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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 1542)

DAVID DWAYNE CLARKE,
also known as "Andre Devon Gibson,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JOSE CRUZ, being duly sworn, deposes and states that he is an Officer with United States Customs and Border Protection, duly appointed according to law and acting as such.

Upon information and belief, on or about June 7, 2014, within the Eastern District of New York, the defendant DAVID DWAYNE CLARKE did willfully and knowingly use and attempt to use a passport, the issuance of which was secured by reason of any false statement.

(Title 18, United States Code, Section 1542)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am an Officer with United States Customs and Border Protection (“CBP”) and have been involved in the investigation of numerous cases involving United States passports procured by fraud. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. On or about June 7, 2014, the defendant DAVID DWAYNE CLARKE arrived at John F. Kennedy International Airport (“JFK”) in Queens, New York, aboard JetBlue Flight No. 960 from Kingston, Jamaica. The defendant presented a United States passport number 427349303, bearing the defendant’s photograph, in the name of “Andre Devon Gibson” and identified himself as a returning U.S. citizen.


3. The defendant was referred to secondary inspection. After he was stopped, CBP officers ran the defendant’s fingerprints and learned that they matched a person with a criminal record using the names “David Clarke” and “Andre Gibson.” Specifically, the fingerprints matched the records associated with the July 19, 2009 Long Beach, California arrest of “Andre Gibson” on narcotics charges. At that time, the defendant pleaded no contest to a felony narcotics charge and was sentenced to 180 days imprisonment and three years probation.

4. The defendant’s fingerprints further matched the records associated with the deportation of an individual named “David Clarke” from the United States to Jamaica on or about November 6, 2009.

5. Further investigation revealed that U.S. passport number 427349303 was applied for on or about June 27, 2007. The passport application contained a photograph of the defendant with the assumed identity of "Andre Devon Gibson."

6. The defendant was advised of his Miranda rights; he waived those rights and agreed to speak with law enforcement officers without an attorney present. The defendant then stated, in sum and substance and in part, that: he purchased a birth certificate and social security card bearing the name "Andre Devon Gibson" from a document vendor in New York City and used those identification documents to obtain a New York State identification card containing a photograph of the defendant and bearing the name "Andre D Gibson"; and the defendant then used the aforementioned New York State identification card to apply for a U.S. passport.

WHEREFORE, your deponent respectfully requests that the defendant DAVID DWAYNE CLARKE, be dealt with according to law.


JOSE CRUZ
Officer, Customs and Border Protection

Sworn to before me this
7th day of June, 2014

THE HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Approved by the Hon. Arlene R. Lindsay
on 6/7/2014 @ 2:25 p.m. / AUSA Saritha Komatiraddy